IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9332 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAIJIBHAI MELABHAI - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR IS SUPEHIA for Petitioner(s) : 1,
MR DIPEN DESAI, ASST. GOVERNMENT PLEADER for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 04/04/2007

ORAL JUDGMENT

1. In the present Special Civil Application under Article 226 of

the Constitution of India, the petitioner has prayed for an appropriate order directing the respondents to grant benefit of higher grade scale to him with effect from 01.06.1987 as per the Government Resolution dated 05.11.1991 and 16.08.1994 and to pay arrears with 12% interest.

2. Shri A.S.Supehia, learned Advocate appearing on behalf of the petitioner has submitted that in view of the pendency of Special Civil Application No. 1646 of 1991 and dispute with regard to some recovery, the petitioner was not granted higher grade scale. It is submitted by him that as it is reported that Special Civil Application No. 1646 of 1991 is disposed of as withdrawn in the year 1991 itself, there was no hitch in granting benefit of higher grade scale and the petitioner must have been given higher grade scale. He has submitted that at present, he has no further instructions in the matter whether the petitioner has been granted higher grade scale or not. He has further submitted that if such benefit is not granted, the petitioner will make appropriate representation to the concerned respondents and the same may be directed to decide it in accordance with law and on merits within a stipulated time.

3. Considering above, and if the petitioner is not granted benefit of higher grade scale, it will be open for the petitioner to move appropriate representation to the concerned respondents and as and

when such representation is made, the concerned respondents are directed to decide and dispose of the said representation as early as possible within a period of 3 (three) months from the date of receipt of such representation. With these, the present Special Civil Application is disposed of. Rule discharged. No costs.

[M.R.Shah, J.]

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